

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS**

May 4, 2021

8:01 a.m.

**MEMBERS PRESENT**

Representative Tiffany Zulkosky, Chair  
Representative Dan Ortiz  
Representative Geran Tarr  
Representative Mike Cronk

**MEMBERS ABSENT**

Representative Zack Fields

**COMMITTEE CALENDAR**

HOUSE BILL NO. 184

"An Act requiring state participation in a tribal child welfare compact."

- MOVED HB 184 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 184

SHORT TITLE: REQUIRE TRIBAL CHILD WELFARE COMPACT

SPONSOR(s): REPRESENTATIVE(s) ZULKOSKY

04/21/21	(H)	READ THE FIRST TIME - REFERRALS
04/21/21	(H)	HSS, FIN
04/22/21	(H)	HSS AT 3:00 PM DAVIS 106
04/22/21	(H)	Heard & Held
04/22/21	(H)	MINUTE(HSS)
04/27/21	(H)	HSS AT 3:00 PM DAVIS 106
04/27/21	(H)	Moved HB 184 Out of Committee
04/27/21	(H)	MINUTE(HSS)
04/28/21	(H)	HSS RPT 4DP 2NR 1AM
04/28/21	(H)	DP: FIELDS, SPOHNHOLZ, SNYDER, ZULKOSKY
04/28/21	(H)	NR: PRAX, KURKA
04/28/21	(H)	AM: MCCARTY
04/28/21	(H)	TRB REPLACES FIN REFERRAL
04/28/21	(H)	BILL REPRINTED
05/04/21	(H)	TRB AT 8:00 AM DAVIS 106

**WITNESS REGISTER**

NICOLE BORROMEO, Executive Vice President  
Alaska Federation of Natives  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 184.

**ACTION NARRATIVE**

[8:01:29 AM](#)

**CHAIR TIFFANY ZULKOSKY** called the House Special Committee on Tribal Affairs meeting to order at 8:01 a.m. Representatives Ortiz, Tarr, and Zulkosky were present at the call to order. Representative Cronk arrived as the meeting was in progress.

**HB 184-REQUIRE TRIBAL CHILD WELFARE COMPACT**

[8:02:01 AM](#)

CHAIR ZULKOSKY announced that the only order of business would be HOUSE BILL NO. 184, "An Act requiring state participation in a tribal child welfare compact."

[8:02:14 AM](#)

The committee took an at-ease from 8:02 a.m. to 8:03 a.m.

[During the at-ease, Chair Zulkosky passed the gavel to Representative Ortiz.]

[8:03:00 AM](#)

CHAIR ZULKOSKY, as prime sponsor, introduced HB 184. She explained that HB 184 seeks to protect the Tribal Child Welfare Compact (TCWC) in Alaska by codifying it in Alaska Statute. She reminded the committee of an earlier meeting during which Nicole Borrromeo from the Alaska Federation of Natives gave a presentation on the TCWC, and she said Ms. Borrromeo will be offering council during the hearing on HB 184.

CHAIR ZULKOSKY offered a PowerPoint presentation, entitled, "HB184 - Tribal Child Welfare Compact," and reminded committee members that the TCWC is an agreement between the state and tribes seeking to address deep structural inequities in the ways Alaskan children are cared for across the state. She began on slide 2, "Why the Work Began," which read as follows [original punctuation provided]:

#### Significant Disparities

- Alaska Native Children make up 15% of the state's general population but represent 60% of the children in state custody
- Disparities of this nature indicate a system failure in our child welfare system

#### OCS Retention Difficulties

- Office of Children's Services (OCS) typically operates at a 50% vacancy rate and require frontline workers to carry caseloads more than 3x the national average
- The goal of HB 151 (2018) was to lower turnover and vacancy rates, but despite increased funding, turnover rates have not decreased

CHAIR ZULKOSKY proceeded to slide 3, "How the Work Began," which read as follows [original punctuation provided]:

#### Tribal State Collaboration Group

- A 25-year partnership between state, tribal representatives, and invited stakeholders

#### Goals:

- Strengthen Alaska's compliance with the Indian Child Welfare Act (ICWA) of 1978.
- ICWA is a Federal law that established standards for the removal and placement of American Indian children and enabled Tribes and families to be involved in child welfare cases.
- Reduce the disproportionality of Alaska Native children in state custody
- Build & strengthen working relationships

#### Tribal Title IV-E Agreements

- Provides Federal funding to states and tribes for foster care, transitional independent living programs, guardianship assistance, and adoption assistance
- Tribes also receive a higher reimbursement rate than states for covered services, resulting in significant General Fund savings.

CHAIR ZULKOSKY proceeded to slide 4, "What is Alaska's Tribal Child Welfare Compact?" which read as follows [original punctuation provided]:

- The Alaska Tribal Welfare Compact (Compact) is a government-to-government agreement to improve the life outcomes for Alaska's children and families by transferring specific, negotiated child welfare services and supports (including revenue streams) from the Office of Children's Services (OCS) to the Tribal CoSigners
- The Compact was signed in 2017 by Governor Walker and 18 Tribal Co-Signers; representing 161 Federally-recognized Tribes and Tribal Organizations and continued under Governor Dunleavy in 2019

CHAIR ZULKOSKY proceeded to slide 5, "Implementation Timeline," which read as follows [original punctuation provided]:

- FY2018
- Tribal Co-Signers developed their programs, built capacity and infrastructure
- OCS began sharing Protective Services Reports (PSRs or 'screen ins' or 'screen outs'), and provided training and technical support
- FY2019
- Tribal Co-Signers began performing Initial Diligent Relative Searches
- The Parties negotiated four new Scopes of Work for Ongoing Relatives Searches, Family Contact, Licensing Assists, and Safety Evaluations
- However, the State declined to sign due to a change in Administration

CHAIR ZULKOSKY proceeded to slide 6, "Implementation Timeline," which read as follows [original punctuation provided]:

- FY2020
- Parties worked out differences and signed all five previously-negotiated
- Scopes:
- Initial Diligent Relative Searches (IDRS)
- Ongoing Relative Searches (ORS)

- Family Contact
- Licensing Assists
- Safety Evaluations FY2021
- Negotiations will take place in May 2021

CHAIR ZULKOSKY proceeded to slide 7, "Advantages," which read as follows [original punctuation provided]:

- Provides higher quality services, closer to home, at a lower cost through leveraging Tribal resources
- Strengthens state services by engaging Tribes, often the most local government, on an issue of shared interest
- Increased public trust through existing family relationships with Tribes

[8:08:24 AM](#)

CHAIR ZULKOSKY proceeded to slide 8, "Adverse Childhood Experiences (ACES)," which read as follows [original punctuation provided]:

Adverse Childhood Experiences (ACEs) have a tremendous impact on future violence victimization and perpetration, and lifelong health outcomes.

- ACEs are potentially traumatic events that occur in childhood (0-17 years):
- Experiencing violence, abuse, or neglect
- Witnessing violence in the home or community
- Having a family member attempt or die by suicide
- Growing up in a household with substance abuse, mental health problems, instability due to parental separation or household members in prison
- ACEs are linked to:
- Chronic health problems
- Mental illness
- Substance abuse problems in adulthood
- Increased incarceration rates
- ACEs can negatively effect:

- Education
- Job opportunities
- Earning potential

8:09:04 AM

CHAIR ZULKOSKY proceeded to slide 9, "Adverse Childhood Experiences (ACES)," which read as follows [original punctuation provided]:

- Adverse Childhood Experiences (ACEs) have a tremendous impact on future violence victimization and perpetration, and lifelong health outcomes.
- How big is the problem?
- ACEs are common. 61% of adults surveyed across 25 states reported that they had experienced at least one type of ACE, and nearly 1 in 6 reported they had experienced four or more types of ACEs.
- Preventing ACEs could potentially reduce a large number of health conditions. For example, up to 1.9 million cases of heart disease and 21 million cases of depression could have been potentially avoided by preventing ACEs.
- Women and several racial/ethnic minority groups are at greater risk for having experienced 4 or more types of ACEs.
- ACEs are costly. The economic and social costs to families, communities, and society totals hundreds of billions of dollars each year

CHAIR ZULKOSKY highlighted the cost of ACEs in particular, and stated that it's clear that a delay in the investment in healthy families and healthy children could be costly to the state further down the road.

CHAIR ZULKOSKY proceeded to slide 10, "Sectional Analysis," which read as follows [original punctuation provided]:

Section 1: Amends AS 47.05 to add a new section to article 1 requiring the State to participate in a Tribal Child Welfare Compact.

CHAIR ZULKOSKY offered clarification that the intention behind the design of the language that is included in the bill is meant to be broad and general as to not tie the hands of the state or

the tribes. Due to the fact that negotiations occur annually, she shared her understanding that it is the intent of HB 184 to not be overly prescriptive. She noted that the administration of current State of Alaska Governor Mike Dunleavy has indicated its ongoing support for the program, and she expressed that she would like future administrations to continue to support it.

CHAIR ZULKOSKY explained the intent behind HB 184. Right now, she said, the TCWC is an executive initiative under the Dunleavy Administration, but the fact that it is not in statute adds significant ambiguity. She said that HB 184 would provide cosigners with stability and predictability to ensure that quality programs can be administered to vulnerable youth and families in the most remote areas of Alaska without having to worry about the unknown future of the compact. She stated that the reason she finds HB 184 so exciting is because the intended impacts are perceived to be strong and will lead to quality outcomes. The TCWC is an innovative and forward-thinking policy that reaches kids and families in a meaningful way, she opined, which would not be otherwise possible.

[8:12:43 AM](#)

The committee took an at-ease from 8:12 a.m. to 8:14 a.m.

[8:14:20 AM](#)

NICOLE BORROMEO, Executive Vice President, Alaska Federation of Natives, informed the committee that she serves as general counsel for the Alaska Federation of Natives (AFN) in addition to serving as the executive vice president. She said that she was born and raised in Alaska, and graduated from high school and college in the state. She shared her understanding on behalf of AFN that HB 184 is a bill that the entire legislature can support, regardless of party affiliation. She opined that conservative-minded legislators might support the proposed bill because it intends to save the state money, and progressive-minded legislators might support it because it offers an opportunity to join AFN on the "cutting edge of law and policy" with the proposed implementation of the first tribal state compact.

MS. BORROMEO explained that the effort involved to create this compact has expanded across two administrations thus far and has been able to weather a pandemic. She shared that AFN is still working to implement the child-welfare compact through every corner of the state, even with the challenges due to COVID-19.

She expressed that an area that the tribes have been uniquely successful at is identifying family members of children in the compact for placement purposes. Some tribes have identified over 70 different family members through the Indian Child Welfare Act, she added. She echoed Chair Zulkosky's sentiments that the goal of the compact is already being achieved in that families are more comfortable speaking with local tribes or local tribal organizations.

MS. BORROMEO expressed her understanding that HB 184 would save the state millions of dollars, particularly in the ability of the tribes to draw down on the Title IV-E program of the Federal Social Security Act. She explained that tribes that are not currently part of the Title IV-E program are exploring the program as part of the compact, which wouldn't be possible without the compact. She concluded that submitting the compact in statute would ensure that it is a more stable program.

[8:18:58 AM](#)

REPRESENTATIVE ORTIZ asked Ms. Borromeo to summarize what the net benefit would be if HB 184 were to be adopted.

MS. BORROMEO replied that the net benefit is that the trajectory of the lives of children who are placed in the state system would be changed. She predicted that, years down the line, these children would become contributing members of society. She said that this would require that the state give a small upfront investment that would return long-term dividends. Overall, she said that this would allow the state to "turn the corner" on worrying statistics, such as Alaska Natives making up only 20 percent of the population, but making up 60 percent of children in state custody.

REPRESENTATIVE ORTIZ asked Ms. Borromeo to explain what fell short after Alaska entered the TCWC in 2017 that necessitated HB 184.

MS. BORROMEO responded that she wouldn't say that anything has necessarily fallen short since 2017, but reminded the committee of the change in administration coupled with the COVID-19 pandemic. She expressed her understanding that the compact is still on-track considering those two hurdles. She noted that another struggle is that the compact doesn't have a "firm anchor" in state law, and for that reason, the condition of the compact is at the will of the current administration and depends on whether a governor will support it. She expressed that the



changes seen between the former State of Alaska Governor Bill Walker's Administration and the Dunleavy Administration were typical, in that the new administration wanted to take time to become educated on certain policies and programs that were in place prior to their governance, and this included the TCWC. However, she explained, this education meant that about a year of work was lost early in the implementation of the compact, which she said caused the compact to become pliable again. She concluded that cementing the compact in statute through HB 184 would offer relief, and would allow the implementation process to truly begin.

REPRESENTATIVE ORTIZ shared his understanding that, when the compact was implemented in 2017, it was more similar to an agreement to begin a regulation; now, if HB 184 were to be adopted, it would go from being a regulation to a state statute. He asked Ms. Borrromeo whether his understanding is correct.

MS. BORRROMEO responded that she doesn't want to over-complicate the analogy, but that Representative Ortiz has the essential understanding of it. She offered clarification that the compact in its current form is a regulation, which is easier to amend or "gut" completely, whereas state law is more difficult to adjust.

CHAIR ZULKOSKY added there has been progress under both the Walker Administration and the Dunleavy Administration, and that putting it in statute would intend to protect the compact, which would in-turn protect Alaska families and children. She echoed Ms. Borrromeo's claim that, if HB 184 were to be adopted, it would anchor the progress made by both administrations by solidifying the compact in statute.

[8:25:36 AM](#)

REPRESENTATIVE TARR asked Ms. Borrromeo whether there were any details about which to be more prescriptive.

MS. BORRROMEO replied no, not at this time. She expressed that AFN would like to see HB 184 adopted in full, and that it hopes to ensure that legislators are familiar with the compact so that more can be added to the statute in the future.

REPRESENTATIVE TARR asked Ms. Borrromeo whether there was anything that could be done differently or better in the child welfare system.

MS. BORROMEO replied yes, that is the purpose behind the compact. She said that, unfortunately, when one is at the precipice of innovative policy, it is easy to default back to what has been done before.

CHAIR ZULKOSKY noted that HB 184 carried a zero fiscal note.

[8:32:19 AM](#)

REPRESENTATIVE CRONK asked Ms. Borromeo who the co-signers were.

MS. BORROMEO responded that the 18 cosigners consisted of all 12 regional non-profit tribal health consortiums, with the exception of the consortium in Kodiak, Alaska, as well as some individual tribes.

REPRESENTATIVE CRONK thanked Ms. Borromeo for identifying the importance of "prevention," He said that prevention is key to making progress.

[8:34:06 AM](#)

CHAIR ZULKOSKY opened public testimony on HB 184. After ascertaining that there was no one who wished to testify, she closed public testimony.

[8:34:42 AM](#)

REPRESENTATIVE ORTIZ moved to report HB 184 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HB 184 was reported out of the House Special Committee on Tribal Affairs.

[8:35:05 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 8:35 a.m.